

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

Anthony A. White,	:	Case No. 1:05CV2616
	:	
Petitioner	:	Judge Christopher Boyko
	:	
v.	:	Magistrate Judge David S. Perelman
	:	
David Bobby, Warden,	:	<b>REPORT AND RECOMMENDED</b>
	:	<b>DECISION</b>
Respondent	:	

Upon consideration of petitioner's "Motion to File Pursuant To Federal Rules Of Civil Procedure 60(b)(1), (2), (3), (4), (5), and (6), Relief From Judgment Or Order" (Doc. #18), and it appearing that on the same date that this motion was filed petitioner filed objections to this Court's Report and Recommended Decision (R&R) filed September 27, 2006,

It is recommended that Your Honor withdraw the Order entered November 28, 2006 adopting the R&R, accept the objections as timely filed in light of the representations made in petitioner's motion, and grant respondent a reasonable period to respond to the objections, if respondent wishes to do so.

DAVID S. PERELMAN  
United States Magistrate Judge

DATE: March 7, 2007

**OBJECTIONS**

Any objections to this Report and Recommended Decision must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order. *See, United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). *See, also, Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).